

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

City of Rochester,

v.

Civil No. 08-cv-263-JL

Rennelda Trust et al.

ORDER TO SHOW CAUSE

The pro se defendants removed this action, which seeks injunctive relief and civil penalties for their alleged violation of state and local laws governing property maintenance and junkyards, from Strafford County Superior Court, invoking jurisdiction on the basis of "federal civil rights claims" they intended to (and later did) assert in their counterclaim. A counterclaim, however, cannot confer federal subject-matter jurisdiction. Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc., 535 U.S. 826, 830-33 (2002). No other basis for federal subject-matter jurisdiction is apparent from the record. Accordingly, the defendants--who, as the party invoking this court's jurisdiction by removing the case here, have the burden of showing that jurisdiction exists, see, e.g., Johansen v. United States, 506 F.3d 65, 68 (1st Cir. 2007)--shall show cause by October 13, 2008, why this action should not be remanded to the Strafford County Superior Court for lack of subject-matter jurisdiction in this court.

SO ORDERED.



Joseph N. Laplante
United States District Judge

September 29, 2008

cc: Catherine M. Costanzo, Esq.
Danford J. Wensley, Esq.
George Blaisdell, pro se
Clay Phalen, pro se